

**RULES AND REGULATIONS  
OF THE  
CHATHAM COMMUNITY FIRE DISTRICT BOARD OF FIRE COMMISSIONERS  
OF THE  
CHATHAM FIRE PROTECTION DISTRICT  
STATE OF ILLINOIS**

**CHAPTER I – ADMINISTRATION**

**SECTION 1 – SOURCE OF AUTHORITY**

The Board of Fire Commissioners (“Commission”) of the Chatham Community Fire Protection District (“District”) derives its power and authority from an Act of the General Assembly entitled the Fire Protection District Act (“Act”), 70 ILCS 705/0.01 *et seq.*

**SECTION 2 – DEFINITIONS**

The word “Commission” shall mean the Board of Fire Commissioners of the Chatham Community Fire Protection District. The word “District” shall mean the Chatham Community Fire Protection District. The word “Trustee” shall mean any person holding an office as Trustee of the District, pursuant to 70 ILCS 705/4 of the Act. The word “Commissioner” shall mean any person holding office as Commissioner of the District’s Board of Fire Commissioners. The word “Member” shall mean any person employed by the District who is subject to these rules. The masculine noun or pronoun includes the feminine.

**SECTION 3 – COMMISSIONERS**

On the first meeting following the commencement of the District’s fiscal year, the Commission shall elect a Chairman, a Vice Chairman and a Secretary. They shall hold office until the end of the fiscal year of the District and until their successors are duly elected and qualified. The Chairman shall be the presiding officer at all meetings. The Vice Chairman shall preside in the absence of the Chairman. The Secretary shall keep the Minutes of all meetings of the Commission in a permanent record book and shall be the custodian of all the forms, papers, books, records and completed examinations of the Commission.

**SECTION 4 – DUTIES OF THE COMMISSION**

- A) General. The Commission shall have only those duties set forth in the Fire District Protection Act, 750 ILCS, 7051/0.01 *et seq.* and any other relevant statute.
- B) Duty to Appoint. The Commission shall appoint all members of the Fire Department. All appointments to the Department, other than that of the lowest rank, however, shall be from the rank next below that to which the appointment is

made, except the Chief may be appointed from among the members of the Department, regardless of rank.

The sole authority to issue certificates of appointment shall be vested in the Commission and all certificates of appointment issued to any officer or member of the Department shall be signed by the Chairman and Secretary, respectively, of the Commission upon appointment of such officer by action of the Commission.

- C) Rulemaking. The Commission shall make rules in order to carry out the purposes of Sections 16.01 – 16.18 of the Act, 70 ILCS 705/16.01 – 16.18; and for appointments and removals in accordance with the provisions of these Sections. Commission rules shall apply only to the conduct of examinations of original appointments, for promotions, and to the conduct of hearings on charges brought against any member of the Fire Department. The Commission shall not establish any rules to govern the operation of the Fire Department or the conduct of its members unless the Board of Trustees specifically authorizes the Commission to make such rules. The trustees may also rescind any such authorization. Commission rules apply to all new permanent, full-time District hires of fire personnel, as defined by the Fire Protection District Act, 70 ILCS 705/0.01 *et seq.*

Any rules and changes thereto established by the Commission shall be printed immediately for distribution. The Commission shall give notice of the places where the printed rules may be maintained and also of the date when the rules or changes shall go into operation. The operational date of the rules shall not be less than ten (10) days subsequent to the publication. The notice shall be published in one or more newspapers published in the fire protection district and shall be published in the *Springfield State Journal Register*. The Commission may make changes to these rules, in accordance with this notice procedure.

## **SECTION 5 – MEETINGS**

- A) Regular meetings shall be held on an as needed basis. Notice shall be posted forty-eight (48) hours prior to convening and meetings shall be open to the public.
- B) Special meetings shall be open to the public, notice thereof to be posted forty-eight (48) hours prior to convening, called by the filing of a notice in writing with the Secretary of the District and signed either by the Chairman of the Commission or any two members thereof. This notice shall contain a brief statement of the business to be submitted for the consideration of the Commission at such special meetings and shall set forth the time and place of such special meeting, and no other business shall be considered at such special meeting unless by unanimous consent of the Commission.
- C) During any regular or special meeting, a closed session may be held upon a proper motion made by any single member of the Commission for the purpose of discussing personnel issues or any other item subject to exclusion under the Open

Meetings Act. Closed sessions may be limited to Commission members and such invited persons as the Commission may deem necessary. The Secretary will record the motion to close the meeting, record the roll call vote of the members on said motion and keep minutes of the closed session. The closed session will also be taped, but such tape will only be made public upon court order pursuant to litigation under the Open Meetings Act.

- D) Public notice of any regularly scheduled or special meeting shall be held in accordance with the Open Meetings Act, 5 ILCS 120/1 *et seq.*
- E) A majority of the members of the Commission shall constitute a quorum for the conduct of all business.
- F) The order of business at any meeting shall be:
  - a) Approval of the Minutes
  - b) Communications
  - c) Unfinished Business
  - d) New Business
  - e) Adjournment
- G) The parliamentary procedure prescribed in THE Modern Rules of Order, latest edition shall be followed as far as applicable.

## **SECTION 6 – ANNUAL REPORT AND BUDGET REQUEST**

The Commission shall submit an Annual Report of its activities as required by §705/16.14 of the Fire Protection District Act, 70 ILCS 705/0.01 *et seq.*, and an Annual Budget for the ensuing year, as required by local ordinance and the aforementioned §705/16.14. In the Annual Report, the Commission may make suggestions which it believes would result in greater efficiency or safety in the Fire Department. The Board of Trustees shall respond in writing to any such suggestions within sixty (60) days of receipt, setting forth their acceptance or rejection of such suggestions, with the specific reasons for either.

## **CHAPTER II – ELIGIBILITY AND APPLICATIONS**

### **SECTION 1 – ELIGIBILITY**

This Chapter is intended to set forth the procedures for applying with the District. This Chapter also reflects the statutory provisions relevant to eligibility requirements for applicants for firefighter, paramedic or firefighter paramedic positions with the District. The District, by action of the Board of Trustees, has developed certain eligibility requirements which supplement those statutory requirements. With the approval of the District Board of Trustees, those eligibility requirements are also referenced in these rules, for informational purposes. To the extent permitted by applicable law, these eligibility requirements may be changed by the District Board of Trustees from time to time. Such changes will be reflected in the Application Process packet

and documentation in effect at the time of each eligibility testing. The requirements which are set out in these Rules are those in effect at the date of adoption of the Rules.

## **SECTION 2 – RESIDENCE**

The District requires that all applicants for examination must be citizens of the United States. The District also requires that all employees of the District will have one year from their date of employment to establish residing within the boundaries of the District. All employees are required to reside within the boundaries of the District as a condition of their continued employment with the District. Any employee having extraordinary reasons or circumstances may be allowed to temporarily move out of the District with the prior approval of the Board of Trustees. Under no circumstances shall an employee be granted the right to reside outside the District for a period of more than six months, except during an employee's initial probationary period. Moving residency outside the District will be deemed a resignation of employment.

## **SECTION 3 – AGE REQUIREMENTS**

Applicants must be at least twenty-one (21) years of age, but under thirty-five (35) years of age to be considered for appointment to active duty with the District's Fire Department. Proof of birth date will be required at time of application. The foregoing age limitation will not apply to persons meeting the requirements for exception from the limitation under the provisions of 70 ILCS 705/16.066(c).

## **SECTION 4 – APPLICATION**

- A) Forms and Filing. Applications for position shall be filed upon forms furnished by the Commission and applicants must comply with the requirements of said form in every respect. The application must be filed with the Commission prior to taking an examination. Filing can be made in the name of the Commission at the following address:

Chatham Community Fire Protection District Board of Fire Commissioners  
#1 Fireman's Square  
Chatham, IL 62629

- B) Character Requirements. Every applicant must be of good moral character, of temperate habits, of sound health and must be physically able to perform the duties of the position applied for. Applicant must establish that he/she has not been convicted of a felony in Illinois or convicted in another jurisdiction for conduct that would be a felony under Illinois law, or convicted of a crime involving moral turpitude. An applicant may not be disqualified for a record containing a misdemeanor, except for misdemeanors listed at 70 ILCS 705/16.06(b). The burden of establishing these facts rests upon the applicant.
- C) Other Requirements. The applicant shall furnish with his application a copy of his Birth Certificate, High School Diploma or G.E.D Certificate and, if relevant, a

copy of his College or University Degree, Military Service Record, and/or Discharge Papers. At the time of application, the Applicant:

- i) must be an OFSM certified Illinois Firefighter II or Basic Operations Firefighter or agree to completion within the time specified by the Commission in application materials.
- ii) must be licensed as a Paramedic by the State of Illinois Department of Public Health or must sign a form provided by the District that evidences:
  - a) the applicant's intention to become a licensed Paramedic by the State of Illinois within the one year probation period after hire; and
  - b) the applicant's understanding that this license is a condition of permanent post-probationary employment.
- iii) must be a U.S. Citizen;
- iv) must possess a high school diploma or equivalent;
- v) must maintain a valid State of Illinois driver's license
- vi) must submit a current Candidate Physical Abilities (CAPT) card including completion of Ladder Climb test.

Evidence of licenses and certifications must be presented at the time the application is submitted.

- D) False Statements. A false statement knowingly made by a person in an application for examination, connivance in any false statement made in any certificate which may accompany such application or complicity in any fraud touching the same, shall be regarded as good cause for exclusion from the balance of the examination process, the striking of a candidate's name from an eligibility list or subsequent termination of employment.
- E) Defective Applications. Defective applications may be returned to the applicants for correction, provided the applicant is not otherwise disqualified for the position sought.

## **SECTION 5 – DISQUALIFICATION**

The Commission may refuse to examine an applicant or, after examination, refuse to certify an applicant as eligible:

- A) Who is found lacking in any of the established preliminary requirements for the service for which he or she applies.
- B) Who is physically unable to perform the duties of the position to which he or she seeks appointment or fails to meet the vision requirements of the District.

- C) Who is addicted to the use of intoxicating beverages or is found to have taken or used drugs and/or narcotics illegally.
- D) Who has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in § 705/16.06 of the Fire Protection District Act, 70 ILCS 705/16.06(b), such as: Sections 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 2-2, 2-6, 2-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6), and (8) of Sections 24-1 of the Criminal Code of 1961 or similar statutes of other jurisdictions.
- E) Who has been dismissed from any public service for cause.
- F) Who has attempted to practice any deception or fraud in his or her application.
- G) Who may be found disqualified in personal qualifications or health.
- H) Whose character and employment references are unsatisfactory.
- I) Who does not possess a high school education or its equivalent.
- J) Who has been classified by his or her Local Selective Service Draft Board as a conscientious objector.
- K) Who fails to meet any other requirement of the District as set out in the Application Packet for the eligibility examination which the applicant is submitting as his or her application.

Any applicant deemed disqualified hereunder shall be notified by the Commission of such disqualification. Should a disqualifying factor become known to the Commission after a candidate is hired, such factor may constitute cause for the dismissal of the officer.

## **SECTION 6 – PHYSICAL AND MEDICAL EXAMINATIONS**

Applicants for original appointment will be subject to a Physical Aptitude Test and shall be required to submit to a thorough pre-hire medical examination by a licensed physician appointed by the Commission. All applicants shall execute and deliver to the Commission a release of all liability as the result of taking a Physical Aptitude Test in favor of the District on a form to be prescribed by the Commission.

## **SECTION 7 – NOTICE OF ACCEPTANCE FOR ORIENTATION**

The Secretary will notify all applicants whose applications have been accepted by the Commission to be present for orientation. Such notification shall also notify the applicant that he or she will be required to present, at the time of examination, an executed Physicians Certificate that he or she is physically capable of participating in a strenuous Physical Aptitude Test.

## **SECTION 8 – EQUAL OPPORTUNITY EMPLOYER**

The District is an equal opportunity employer. The District encourages and fosters the employment, compensation, promotion, and other conditions of employment, of all properly qualified persons without regard to race, color, religion, sex, sexual orientation, marital status, ancestry, national origin, age, disability, matriculation, political opinion or affiliation, or unfavorable discharge from military service.

## **CHAPTER III – EXAMINATIONS/ORIGINAL HIRE**

### **SECTION 1 – NOTICE OF EXAMINATIONS**

Notice of the time and place of every examination shall be given by the Commission by a publication at least (2) weeks preceding the examination, in one or more newspapers published in the District. Examinations may be postponed, however, by order of the Commission, which order shall state the reason for such postponement and shall designate a new date for said examination. Applicants shall be notified of the postponement of any examination and of the new date fixed for said examination. The notice will specify the deadline for filing applications for persons desiring to take the examination, the time when and the place where the examination will be given, and the position or positions which will be filled from the resulting eligibility list. The Commission may establish a fee to cover the cost of the application process.

### **SECTION 2 – EXAMINATIONS**

The Commission shall call examinations to fill vacancies in the class of service in which vacancies are liable to occur. A call for such examination shall be entered in the minutes of the Commission and shall include a statement of:

- A) The time and place where such examination will be held.
- B) The location where applications may be obtained and the date by which applications must be returned to the Commission.
- C) The position to be filled from the resulting eligibility list.
- D) The minimum passing score for the examination and weighting of each portion of the examination in determining the total score of the applicant.

### **SECTION 3 – TYPE OF EXAMINATIONS**

Applicants must attend a mandatory orientation session and will be subject to a Physical Aptitude Test or required to submit a current CPAT card, a written examination, an oral interview, a drug screening, background investigation, and a pre-hire physical examination. Applicants may also be required to have a psychological examination. Applicants must attend

the orientation program sponsored by the Commission. No examination shall contain questions regarding applicant’s political or religious opinions or affiliations. The examination will be practical in nature and relate to those matters that fairly test the capacity of applicants to discharge the duties performed by members of a fire department.

**SECTION 4 – EXAMINATIONS – MINIMUM GRADE**

The following examinations may be conducted by the Commission. The sequence of testing may vary at the discretion of the Commission. Failure to achieve the minimum passing grade in any examination disqualifies the applicant from any further participation. The minimum passing grade in each examination component will be announced at the time application period for each eligibility application period. In the absence of any announcement by the Commission, the following minimum passing grades will apply:

| <u>Examinations</u>       | <u>% of Total Grade</u> | <u>Minimum Passing</u> |
|---------------------------|-------------------------|------------------------|
| Orientation               | -                       | Attendance Mandatory   |
| Physical Aptitude Test    | -                       | Pass or Fail           |
| Written Test              | 70%                     | Not less than 70%      |
| Oral Interview            | 30%                     | None                   |
| Psychological Examination | -                       | Pass or Fail           |
| Background Investigation  | -                       | Pass or Fail           |
| Medical Examination       | -                       | Pass or Fail           |

**SECTION 5 – ADDITIONAL CREDIT AND/OR POINTS**

(A) Prior Service Credit. Persons employed by a district who have been paid-on-call or part-time certified Firefighter II, certified Firefighter III, State of Illinois or nationally licensed EMT-B or EMT-I, licensed paramedic, or any combination of those capacities may be awarded up to a maximum of 3 points. However, the applicant may not be awarded more than 0.5 points for each complete year of paid-on-call or part-time service. Applicants from outside the district who were employed as full-time firefighters or firefighters-paramedics by a fire protection district or municipality for at least 2 years may be awarded up to 5 experience preference points. However, the applicant may not be awarded more than one point for each complete year of full-time service.

No person entitled to additional points for paid-on-call service under this subsection shall be required to claim that preference or credit before an examination is held. The preference shall be given after the posting or publication of the initial eligibility list at the written request of a person before any certification or appointments are made from the eligibility register. To qualify for the preference, applicants who are eligible for prior service credit under this subsection shall make a claim for that credit, in writing, within 10 days after the posting of the initial eligibility list, or the claim shall be deemed waived. Upon request by the Commission, the Board of Trustees shall certify to the Commission, within 10 days of the request, the number of years of successful paid-on-call service with the District of any person. A candidate may not receive preference points for a certificate if the amount of points awarded placed the candidate before a veteran on the eligibility list.

(B) Veteran’s Service Credit and Preference.



(i) Persons who were engaged in the military or naval service of the United States for a period of at least one year and who were honorably discharged therefrom, or who are now or may hereafter be on inactive or reserve duty in such military or naval service shall be preferred for appointments to Fire Department.

(ii) The Commission shall give preference for original appointment to persons designated in subsection B (i) whose names appear on any register of eligibles resulting from an examination for original entrance in the classified service of the Fire Department of the District by adding to the final grade average which they receive or will receive as the result of any examination held for original entrance, 5 points. The numerical result thus attained shall be applied by the Commission in determining the position of such persons on any eligibility list which has been created as the result of any examination for original entrance for purposes of preference in certification and appointment from such eligibility list.

(iii) Every member of the classified service of the Fire Department of the District who was engaged in military or naval service of the United States at any time for a period of at least one year and who was honorably discharged therefrom, who is now or who may hereafter be on inactive or reserve duty in such military or naval service, not including, however, persons who were convicted by court-martial of disobedience of orders where such disobedience consisted in the refusal to perform military service on the ground of alleged religious or conscientious objections against war, and whose name appears on existing promotional eligibility registers or any promotional appointments of the Fire Department of the District.

(iv) No person entitled to preference or credit for military or naval service shall be required to claim such preference or credit before an examination is held. Such preference shall be given after the posting or publication of the eligibility list or register at the written request of such person before any certification or appointments are made from the eligibility register. To qualify for such preference, applicants who are eligible for military credit shall make a claim in writing within 10 days after the posting of the eligibility list or such claims shall be deemed waived. Applicants shall also furnish evidence of an honorable discharge and proof of such service.

(C) Paramedic Preference. Persons who have obtained a license as a paramedic may be preferred for appointment to and employment with the fire department of an affected department providing emergency medical services. Persons who are currently licensed as a paramedic through the Illinois Department of Health may be awarded up to 5 preference points.

(D) Residency preference. Applicants whose principal residence has been located within the Chatham Fire Protection District jurisdiction for the last six (6) months prior to the written exam may receive preference points for residency. Eligible applicants may be awarded up to 3 preference points for residency.

Acceptable forms of proof of residency include

- The previous six months utility bills in the applicant's name
- Telephone, cable, car insurance etc. bills in the candidate's name
- Pay stubs reflecting the candidate's address
- Savings and/or checking account statements reflecting the candidate's address
- Rental agreement or a property tax bill in the candidate's name

All forms of proof of residency must show the six previous months residence within the boundaries of the Chatham Fire Protection District.

(E) Candidates who are eligible for preference points shall make a claim in writing with proof thereof within ten (10) days after the date of posting of the initial eligibility list or such claim shall be deemed waived.

## **SECTION 6 – PHYSICAL APTITUDE TEST**

Applicants will be required to submit to a physical aptitude test. Only candidates who have brought an executed Physician's Certificate stating that the candidate is physically capable of participating in a strenuous physical aptitude test will be allowed to take such test. Only candidates who have passed the Physical Aptitude Test will be permitted to participate in the written examination. Alternatively, the Commission may require applicants to provide a current CPAT card as part of the application process. Applicants who have remained on the eligibility list for more than one year may be required to pass a physical aptitude test at the time of hire or present a current CPAT card as a condition of employment.

## **SECTION 7 – WRITTEN EXAMINATION**

Information as to the type of written examination employed by the Commission will be provided as part of the orientation program. All examination papers shall be and remain the property of the Commission and the grading thereof by the Commission shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description. Candidates who fail to achieve a passing grade will be notified and eliminated from all further consideration.

## **SECTION 8 – ORAL EXAMINATION (Subjective Component)**

All Commissioners shall participate in the Oral Examination except wherein one Commissioner is absent due to illness or when matters of an emergency nature preclude his or her attendance. In no event shall less than a majority of the Commissioners conduct the Oral Examination. The Commission may select two other individuals to participate in the oral exam as follows, in any combination of two: one or two trustees; the Chief; or a member in an officer rank. Questions shall be asked of the Candidate that will enable the Commissioners to properly evaluate and grade the Candidate on speech, alertness, ability to communicate, judgment, emotional stability, self-confidence, social skill and general fitness for the position. On completion of each Oral Examination, the Commissioners will discuss the Candidate's abilities using the traits listed above. Each Candidate will be examined using substantially the same questions and interview topics.

## **SECTION 9 – INITIAL ELIGIBILITY REGISTER**

The Commissioners will prepare an "Initial Eligibility Register" of the Candidates successfully completing the orientation, written and oral examination and physical aptitude test. Candidates shall be placed on the eligibility list in order of their relative excellence as determined by their test scores.

This Initial Eligibility Register is subject to change with the addition of preference points as prescribed in these rules.

Candidates who are eligible for preference points, shall make a claim in writing with proof thereof within ten (10) days after the date of posting of the initial eligibility list or such claim shall be deemed waived.

#### **SECTION 10 – FINAL ELIGIBILITY REGISTER**

- A) The Commissioners will prepare a “Final Eligibility Register” which shall include claimed preference points. In the event of a tie score, the placement of the tied candidates’ names on the eligibility list shall be determined by lot, in the presence of a quorum of the Commission in whatever manner the Commission deems appropriate.
- B) A dated copy of the Final Eligibility Register shall be sent to each person appearing thereon. This copy shall include the date of expiration of the register two (2) years hence.
- C) Appointment from this Final Eligibility Register is subject to satisfactorily passing drug test, medical examination (which may include a test of the applicant’s vision, hearing, for the presence of communicable diseases, as well as a test to screen for the use of drugs and/or narcotics), and/or psychological evaluation.

#### **SECTION 11 – PROFESSIONAL EXAMINATIONS AND TESTS**

- A) Each applicant for original appointment shall submit to a psychological examination by such psychologist or psychiatrist as the Commission may designate. Such examination shall be without expense to the applicant. Failure of the applicant to take or successfully complete such test shall eliminate him from further consideration. The examination will be limited in purpose to determining the suitability of the applicant for employment in the fire and emergency medical service.
- B) Medical examinations shall be performed by a licensed physician appointed by the District.

#### **SECTION 12 – PROBATIONARY APPOINTMENT**

- A) All vacancies in the District shall be filled by individuals from the Final Eligibility Register in the order in which their names appear on the register and having met all requirements previously listed.
- B) All original appointments to the Fire Department shall be for a probationary period of twelve (12) months. The probationary period of a newly appointed firefighter shall commence as of the first date said individual reports for work with the District.

- C) Any person whose name appears on the Final Eligibility Register may decline appointment by advising the Commission in writing. A candidate may pass on an appointment once without losing his or her position on the Final Eligibility List. Any candidate who passes a second time will be removed from the list by the Commission in its discretion, however, such removal will not prejudice the applicant's opportunity to participate in future eligibility testing by the Commission.
- D) Any person placed on the Final Eligibility List who exceeds the age requirement before being appointed will remain eligible for appointment until the list expires.
- E) Probationary employees may be summarily dismissed by the Commission and are not entitled to the protection afforded to other full-time firefighters by statute or these rules.

### **SECTION 13 – CERTIFICATION**

Final certification as permanent members of the District shall not occur until the requirements in these rules, and any other relevant requirements set forth in the job description which do not conflict with these rules, are met.

### **SECTION 14 – CONSISTENCY WITH 70 ILCS 705/16.06b**

In the event of any conflict between these rules regarding eligibility for original appointment as a full time firefighter of the Chatham Community Fire Protection district and Section 16.06b of the Illinois Fire Protection district Act (70 ILCS 705/16.06b), the provisions of the Act will control.

## **CHAPTER IV – PROMOTIONS**

### **SECTION 1 – GENERAL**

The Commission, by its rules, shall provide for promotion in the Fire Department on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases, where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank whom desire to submit themselves to examination. All promotions shall be made from the three (3) individuals having the highest rating, and where there are less than three (3) names on the promotional eligibility register, as originally posted, or remaining thereon after appointments have been made therefrom, appointments to fill existing vacancies shall be made from those names or the name remaining on the promotional register. The method of examination and the rules governing examinations for promotion are specified below. The Commission shall strike off the names of candidates for promotional appointment after they have remained thereon for more than three (3) years, provided there is no vacancy existing which can be filled from the promotional register. For the purpose of determining that a vacancy exists, the Commission must have received notice from the appropriate corporate authorities to fill an existing vacancy prior to the date the name(s) are to be stricken from a promotional eligibility register.

## SECTION 2 – PROMOTIONAL EXAMINATION

- A) General. The Commission shall be responsible for developing and administering promotional examinations.
- B) Weighting. The final Promotional Score shall be determined based on the factors and criteria as set out in Article XIV of the Collective Bargaining Agreement between the Chatham Firefighters Local Union #4490 and the District with weighting to be as follows:
- |                       |   |
|-----------------------|---|
| Written Examination   | 40%   |
| Subjective Evaluation | 60%   |
| Seniority             | .400 points for each whole year of eligible service up to a maximum of 5 points |
- C) Rank Order. In the event no candidate from the immediate next lower rank qualifies for promotion, the Commission in determining next in order of rank in promotional examinations herewith determines a policy of extending the examination successively through all the orders of rank in the services in an endeavor to qualify suitable eligible or eligibles for the vacancy or vacancies existing before extending the examination to the general public.
- D) Military Service. Candidates who are otherwise qualified and have timely requested credit for prior military service shall be granted veterans preference points as provided by state statute (70 ILCS 705/16.08a); 50 ILCS 742/55).

## SECTION 3 – TOTAL SCORE

A promotional candidate's total score shall consist of the combined scores of the merit/efficiency rating, written examination and subjective evaluation, as modified by seniority credit and veteran's preference. Candidates shall take rank upon a promotional eligibility register in the order of their relative excellence as determined by their total score. In the event of a tie score, the placement of the tied candidates' names on the eligibility list shall be determined by lot, in the presence of a quorum of the Commission, in whatever manner the Commission deems appropriate. The Commission may establish a minimum passing total score which will be announced at the time a promotional examination is announced. In performing the subjective evaluation of candidates, the Commission may utilize prior annual departmental evaluations of the candidate, including numerical scoring on such departmental evaluations.

## SECTION 4 – PROMOTIONAL VACANCY

Upon notice from the District Board of Trustees that a promotional vacancy exists, the Commission shall select the individual to be promoted in the manner specified in Section 1 of this Chapter.

**SECTION 5 – CONSISTENCY WITH FIRE DEPARTMENT PROMOTION ACT**

Except as modified by the provisions of the Collective Bargaining Agreement between the Chatham Firefighters Local Union #4490 and the District, to the extent of any conflict between these rules regarding promotions and the Fire Department Promotion Act, the provisions of the Act will control.

**CHAPTER V – ORDER OF RANK, CLASSIFICATION AND OATH OF OFFICE**

**SECTION 1 – RANK**

The order of rank in the Fire Department shall be as provided by ordinance or otherwise by the District.

**SECTION 2 – CLASSIFICATION**

The Commission classifies such offices in the Fire Department for the purpose of establishing and maintaining standards of examinations and promotions based upon job descriptions and departmental regulations developed by the District.

**SECTION 3 – OATH OF OFFICE**

Before entering duty, any person about to become a member of the District, shall take the following oath, before any person authorized to administer oaths in the State of Illinois:

“I \_\_\_\_\_, do solemnly swear or affirm that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability.”

Signed \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

Such person shall also enter into such bond, if any, in such amount as prescribed by the District.

## **CHAPTER VI – HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES**

### **SECTION 1 – DISCIPLINE BY FIRE CHIEF – FIVE DAYS OR UNDER**

- A) Discipline and Formal Hearing. Upon written notification to the Commission, the Chatham Fire Department Chief (the “Chief”) may suspend a member of the Department (“member”) without pay for a period of not more than five (5) calendar days. For purposes of this section, five consecutive calendar days will be considered the same as twenty-four duty hours provided that firefighters work a 24 hour on/48 hour off work schedule.
- B) Written Notice. If the Chief imposes a suspension upon a member, written notice to the Commission is required. The written notice of the suspension must contain the following:
- i. The name, rank, and assignment of the member being disciplined;
  - ii. The dates and times of the misconduct and locations indicating on or off duty;
  - iii. The section of the personnel manual, personnel code, state statute or code being violated;
  - iv. A complete statement of the facts of the misconduct;
  - v. The written signature and position of the preparer; and
  - vi. A copy of the report will be given to the member being disciplined and he/she may not choose to sign said document.
- C) Appeal. The Chief’s decision to suspend may be appealed to the Commission by the member within five (5) calendar days after the suspension is imposed. If an appeal is initiated by the member, the burden is upon the Chief to substantiate the charges by a preponderance of the evidence. Upon such appeal, the Commission may sustain the suspension, reverse the suspension with instructions for reimbursement of all wages withheld or lost (if any), increase the suspension period by an amount not to exceed thirty (30) days, or the Commission may discharge the Member from the Department. Any Commission action recommending discharge pursuant to this section shall be subject to majority approval of the Trustees of the Chatham Fire Protection District.

### **SECTION 2 – DISCIPLINE BY FIRE CHIEF – OVER FIVE DAYS BUT LESS THAN THIRTY DAYS SUSPENSION/TERMINATION**

- A) Discipline. If the Chief desires to discipline a Member for more than five (5) consecutive days (but not in excess of thirty (30) consecutive days) or to seek the member’s termination from the Department, he is required to bring written charges before the Commission, demonstrating just cause for the desired discipline. “Cause” is some substantial shortcoming which renders continuance in employment in some way detrimental to the discipline and efficiency of the

public service and something which the law and sound public opinion recognize as cause for the MEMBER no longer occupying his position. The right to determine what constitutes cause is in the Commission.

- B) Written Charges and Time for Hearing. The member who is the subject of written charges brought by the Chief, imposing discipline for more than five (5) consecutive days or termination, shall not be subject to discipline until after written charges have been filed by the Chief and the member has had the opportunity to have his defense heard by the Commission. After receiving written charges, the Commission shall conduct a fair and impartial hearing of the charges, to be commenced within thirty (30) days of the filing thereof, which hearing may be continued from time to time. All hearings shall be held in accordance with the Open Meetings Act (50 ILCS 120).
- C) Burden of Proof. The Chief shall have the burden of proof to establish by a preponderance of the evidence the allegations contained within the written charges. "Preponderance of evidence" is defined as the greater weight of the evidence, that is to say, it rests with that evidence which, when fairly considered produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.
- D) Informal Investigations. Nothing herein limits or restricts the power and authority of the Commission to conduct informal investigations of complaints and/or allegations of misconduct of its members, provided that any interrogation of a member which falls within the parameters of the Firemen's Disciplinary Act (50 ILCS 745/1 et seq.) must conform to the provisions of that law.
- E) Service. All disciplinary charges filed shall be served to the affected Member via certified mail, to the last known address of the Member, as reflected by the charges filed with the Commission, or by personal service to the member.
- F) Filing. All papers may be filed with the Commission by mailing them or delivering them personally to the Commission's Office. For the purposes of these Rules and Regulations, the filing date of any paper shall be the date it is received in the Commission's Office, in the event the paper is delivered personally or by messenger. In the event a paper is forwarded by mail, then the filing date will be the date which is postmarked on the envelope of such paper.
- G) Subpoena. At a hearing on disciplinary charges, each member of the Commission shall have the power to administer oaths and affirmations, and conduct the hearing. The Commission shall have the power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to the hearing.



- H) Attorneys. The member subject to discipline may be represented and assisted by an attorney at a hearing on the charges who may participate in the hearing to the extent authorized by the Commission and applicable law.
- I) Civil Procedure. The provisions of the Illinois Code of Civil Procedure do not apply to hearings before the Commission, but they may be referred to for guidance of proceedings before the Commission as determined by the Commission.
- J) Suspension, Discharge, and Demotion by Commission. The Commission has the authority to suspend a member pending the hearing, with or without pay, but not to exceed thirty (30) days. In the case a member is found guilty of the charges brought, the Commission may discharge the member, or may suspend the member not exceeding thirty (30) days without pay or may terminate the member. If the Commission determines that the charges are not sustained, the member shall be reimbursed for all wages withheld, if any.
- K) Probationary Firefighters. Probationary members may be summarily dismissed by the Commission and are not entitled to the protection afforded to other full-time members by statute or these rules.
- L) Decisions of Commission. Any decision made by the Commission, must be approved by a majority vote of the Commission. A decision by the Commission to remove or discharge a member must be approved by a majority vote of the Board of Trustees of the Chatham Community Fire Protection District. All decisions of the Commission are final, and are not subject to rehearing, reconsideration, modification, or vacation, but are subject to judicial revision pursuant to the Illinois Administrative Review Law (735 ILCS 5/3-101 et seq.).

### **SECTION 3 – DISCHARGE OR SUSPENSION AFTER HEARING**

- A) Discharge from office, or suspension from service of a member will be in compliance with the Fire Protection District Act.
- B) The Commission will, within a reasonable time after the hearing is completed, enter its findings on the records of the Commission.

### **SECTION 4 – VIOLATION OF RULES**

All members of the Fire Department shall be subject to the regulations of its Department, and the Rules of the Commission, and a violation of such rules or regulations may be cause for filing of charges before the Commission, with a subsequent hearing and action by the Commission on such charges.

## **SECTION 5 – VIOLATION OF LAW**

Any violation of the laws of the District or state or federal law, by any member of the Fire Department of such District may be cause for the filing of charges against said officer, except as herein otherwise provided.

## **CHAPTER VII – GENERAL**

### **SECTION 1 – CONFLICT**

Any Chapters, Sections and/or Subsections of the foregoing Rules for the operation of the Commission which are in conflict with any applicable state or federal statute are null and void. This, however, will not invalidate any other Chapters, Sections and/or Subsections of said Rules.

### **SECTION 2 – WORKWEEK**

No person employed in the Fire Department of the District shall be required to remain on duty in his employment for periods of time which, in the aggregate in any month, amount to more than 56 hours for each week in that month.

These restrictions apply to all employees, except:

- (1) To the person in command of the District Fire Department;
- (2) To employees of the District Fire Department who are employed subject to call;  
or
- (3) To the members or employees of the District Fire Department, when required to remain on duty by the marshal or chief officer or any of his aides on account of a serious emergency caused by conflagration, riot, or other causes.

### **SECTION 3 – TEMPORARY APPOINTMENTS**

In order to prevent a stoppage of public business, to meet extraordinary exigencies, or to prevent material impairment of the Fire Department, the Commission may make temporary appointments, to remain in force until regular appointments may be made, but not to exceed sixty days. No temporary appointment of any person shall be made more than twice in any calendar year.

### **SECTION 4 – PREVIOUS RULES**

These rules supercede and replace any prior Rules and Regulations of the Commission including, but not limited to, “Rules for Disciplinary Hearings Before the Board of Fire Commissioners” adopted in May 2007.

**SECTION 5 – EFFECTIVE DATE**

These rules shall be effective ten (10) days after publication of the notice required by 70 ILCS 705/16.05.

**ADOPTED** by the Board of Fire Commissioners of the Chatham Community Fire Protection District on the 19th day of September, 2023.

**BOARD OF FIRE COMMISSIONERS  
VILLAGE OF CHATHAM, ILLINOIS**

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Chair

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Vice Chair

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Secretary

Being all of the Commissioners of the  
Board of Fire Commissioners of the  
Chatham Community Fire Protection District